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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)**

In re: John Curran Debtor	Case No. 09-16065-SSM
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APPLICATION FOR LEAVE TO WITHDRAW AS COUNSEL

Culbert & Schmitt, PLLC (“C&S”), counsel to the debtor, files this Application for Leave to Withdraw as Counsel, and in support thereof, states as follows:

1. Counsel had been contacted by Mr. Curran and asked to assist in the filing of a bankruptcy petition on an emergency basis because of a hearing in the Fairfax Circuit Court which was scheduled for the following day. C&S agreed, literally dropping everything else, and preparing and filing the Chapter 7 case.

2. The Debtor had been unemployed for some time, although he had just found a new job. Debtor initially requested that the legal fees and filing fee be paid in installments, then indicated that he expected a “signing bonus” and would know that evening if funds would be available to pay the full fee. Debtor gave C&S two checks, one for \$800 (an initial payment, to be deposited in the event the bonus was not received) and a second for \$1,700 (to be deposited, together with the \$800 check in the event the

bonus was received.) Mr. Curran asked C&S to hold both checks until he called and let her know which could be deposited.

3. The case was filed the following day, on July 29, 2009.
4. Later that day, Debtor called to say that the bank had closed his account and accordingly, neither check would be honored. Instead, he would bring a money order for \$2,300 either later that day or the following day. He did neither.

5. Despite repeated promises and excuses, two months later, Debtor has failed to make any payment to C&S.

6. C&S has prepared and filed the bankruptcy petition and the homestead deed, advancing the filing fee in both cases. Counsel has attended the first meeting of creditors, all without any compensation. It is clear that Debtor never had any intention of paying for these services.

7. C&S seeks leave to withdraw from this case, Debtor having failed to comply with the terms of his agreement.

WHEREFORE, C&S respectfully requests that this court enter an order authorizing C&S and Ann Schmitt, to withdraw as counsel, and that the court grant such other and further relief as is appropriate.

September 29, 2009

/s/ Ann E. Schmitt
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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served this 30th day of September, 2009 by first class mail to the Office of the United States Trustee, 115 South Union Street, Alexandria, VA 22314, to the Chapter 7 trustee and on all parties on the Court's mailing matrix.

Ann E. Schmitt